

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

DAVID SCOTT HARRISON,
Plaintiff,
v.
S. KERNAN, et al.,
Defendants.

Case No. 16-cv-07103-NJV (NJV)

**ORDER DENYING PLAINTIFF'S
OPPOSITION TO NOTICE OF
REMOVAL**

Re: Dkt. No. 8

This case was originally filed in California Superior Court for the County of Marin. It was removed to this court on December 13, 2016. (Doc. 1.) On December 22, 2016, Plaintiff filed an "opposition" to the removal, which the court will construe as a motion for remand. (Doc. 8.)

Pursuant to 28 U.S.C. Section 1441, "[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State Court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where the action is pending."

The district courts of the United States have original jurisdiction over "all civil actions arising under the Constitution, laws or treaties of the United States." The complaint in the present case alleges that Defendants "have , and continue, to violate the Equal Protection Clause of the Fourteenth Amendment, of the United States Constitution." (Doc. 1-1.) This action therefore arises under the Constitution of the United States and this court has original jurisdiction over the

1 action. The removal was proper, and Plaintiff's opposition, is THEREFORE DENIED.

2 **IT IS SO ORDERED.**

3 Dated: January 20, 2017

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5 NANDOR J. VADAS
United States Magistrate Judge

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United States District Court
Northern District of California